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Law on Military Police

92P20170A Tirana GAZETA ZYRTARE in Albanian
No 6, Aug 91, pp 310-312

[Law on the military police in the armed forces of the Republic of Albania]

[Text] On the basis of Article 16 of the law "on the main constitutional provisions," upon recommendation of the Council of Ministers, the People's Assembly of the Republic of Albania resolves:

Article 1. The military police force is an executive organ which is set up in a unified operational unit and which is concerned with protecting the members of the armed forces and military assets, with maintaining order and discipline in military garrisons and in other places, and with exposing those who commit military violations.

Article 2. The military police are composed of military subunits with selected troops and with special training, in accordance with the tasks which they perform.

Article 3. The troops of the military police are provided with weapons, combat equipment, and essential materials. Their uniforms, means of transportation, and combat equipment have distinctive colors and symbols which are different from those of other forces. They have the same professional equipment as the forces for the maintenance of law and order.

Article 4. The military police have the following tasks:

1. They keep military order and discipline in the military garrisons. In the cities, in the residential centers, in the transportation system, in rifle ranges and fields during exercises, in military schools and institutions, and in places designated by orders from the appropriate command. They monitor the movement of the soldiers outside the barracks, their appearance, and their behavior in public.

2. They pursue and apprehend soldiers who are absent from their unit without cause. On the recommendation of military mobilization organs, they search for citizens who avoid military service.

3. They organize and provide military transportation, monitor the travel of military vehicles and accompany them when they leave the barracks for exercises or for any other activity.

4. They defend military personnel and assets and expose those who commit military crimes against them. They protect and escort important military figures.

5. They provide protection for the most important military units and institutions during celebrations and other important events.

6. In cooperation with the information and education organs in the army, they prevent, protect, and prohibit the soldiers from becoming involved in the use of drugs and the sale of weapons, ammunition, and other military materials.

7. In the case of war, they organize and guard the places where the prisoners of war are kept.

Article 5. If the members of the armed forces of the Republic of Albania violate military regulations and discipline, the military police, according to the case, issue a warning, take their identification cards and other identifying documents, escort them to specific places, or intervene by using force. They intervene when order and discipline have not been restored as a result of all the measures taken and when there is opposition on the part of the soldiers. They intervene in military installations only by order and with authorization.

When the violation constitutes a penal act, the military police notify the appropriate organs.

Article 6. The military police forces use firearms in accordance with appropriate legal provisions.

Article 7. The military police use escalated force against soldiers and civilians who prevent them from carrying out their duty.

Citizens who prevent the military police from doing their job are escorted and taken to the organs for the maintenance of law and order.

Article 8. In the execution of their tasks, the military police cooperate closely with the organs of the government and the organs for the maintenance of law and order.

Article 9. The Ministry of Defense will draw up special regulations presenting detailed tasks for the military police, force as well as its organizational structure, uniform, and distinctive symbols.

Article 10. This law goes into effect immediately.

Tirana, 7 August 1991

Law No. 7508

Proclaimed by Decree No. 20, of 13 August 1991, of the President of the Republic of Albania, Ramiz Alia

Amendment to Law on High Judicial Council

92BA0343A Sofia DURZHAVEN VESTNIK
in Bulgarian No 106, 20 Dec 91 pp 1-2

["Text" of Law Amending and Supplementing the Law on the High Judicial Council, adopted by the 36th National Assembly on 18 December 1991 and signed by Stefan Savov, chairman of the National Assembly; for the text of the Law on the High Judicial Council, see JPRS-EER-91-162-S, 30 October 1991, Recent Legislation, pages 1-2]

[Text]

Ukase No. 371
of President of the Republic Zhelyu Zhelev
issued in Sofia on 20 December 1991
and sealed with the state seal

On the basis of Article 98, Item 4 of the Constitution of the Republic of Bulgaria, I hereby decree that the Law on Amending and Supplementing the Law on the High Judicial Council, adopted at the 36th National Assembly on 18 December 1991, be published in DURZHAVEN VESTNIK.

**Law Amending and Supplementing the Law
on the High Judicial Council**

(DURZHAVEN VESTNIK, No. 74, 1991)

1. Paragraph 4 of Article 2 is deleted.
2. Article 3 is amended and supplemented as follows:
 1. In Paragraph 2, third sentence, the words "of all delegates" are added to the word "majority."
 2. Paragraph 3 is deleted.
 3. Paragraph 4 becomes Paragraph 3.
 4. A new Paragraph 4 is added, to read as follows:

"(4) The election of delegates and members of the High Judicial Council is valid if at least two-thirds of either those with the right to participate in delegate assemblies or the elected delegates have participated in this election."
3. The following amendments are introduced in Article 9:
 1. In Paragraph 2, the words "its chairman" are replaced by the words "the minister of justice."
 2. Paragraph 3 is amended to read as follows:

"(3) Decisions may be adopted in the presence of no fewer than four-fifths of the members of the High Judicial Council, by a simple majority of those present in open balloting, unless otherwise stipulated in the Constitution or the law."
4. Article 10 is amended to read as follows:

1. Item 1 is amended to read as follows:

"1. Suggests to the president of the Republic the appointment or dismissal of the president of the Supreme Court of Appeals, the president of the Supreme Administrative Court, and the prosecutor general. The president may not refuse such an appointment or dismissal if a second motion concerning the same individual is made";

2. Item 2 is deleted.
3. Item 3 becomes Item 2.
4. A new Item 3 is added, to read as follows:

"3. Determines the number, districts, and centers of territorial investigative services";

5. In Items 4 and 9, the word "departments" is replaced by "services."

6. Item 4a is added, to read as follows:

"4a. Determines the remuneration of judges, prosecutors, and investigative magistrates";

7. In Item 5, the words "and determines their labor remunerations" are deleted.

8. Item 7 is amended to read as follows:

"7. Rules on appeals of decisions on disciplinary matters stipulating the penalty of demotion, transfer, or reduction of wages";

9. Item 8 is amended to read as follows:

"8. Suggests to the Council of Ministers the draft budget for the judiciary and controls its execution."

5. In Article 11, Paragraph 1, the words "as well as director of the National Investigation Service" are deleted.

6. Article 12 is amended to read as follows:

1. Item 3 is amended to read as follows:

"3. From the prosecutor general, to all prosecutors";

2. A new Item 4 is added, to read as follows:

"4. From the minister of justice to justices in appellate, okrug, military, and rayon courts";

3. Item 4 becomes Item 5 and is amended as follows:

"5. From the director of the National Investigative Service to all investigative magistrates."

4. Items 5-9 are deleted.

5. Paragraph 3 is added to read as follows:

"(3) The minister of justice, the president of the Supreme Court of Appeals, the president of the Supreme Administrative Court, the prosecutor general, or the

director of the National Investigative Service may issue orders while executing a resolution passed by the High Judicial Council as per Paragraph 2."

7. New Paragraphs 2 and 3 are added to Article 13, as follows:

"(2) Before ruling, the High Judicial Council requests verbal or written explanations from the judge, the prosecutor, or the investigative magistrate on a request for deprivation of his immunity.

"(3) The High Judicial Council passes a resolution on the demand of deprivation of immunity by a two-thirds majority of its members by secret balloting."

8. Paragraph 1 of the provisional and concluding stipulations of the law is amended to read as follows:

"1. Until a Supreme Court of Appeals and a Supreme Administrative Court have been created, the president of the Supreme Court is an ex officio member of the High Judicial Council."

9. Paragraphs 2 and 3 of Item 2 of the provisional and concluding stipulations are deleted.

10. A new Item 3 is added and the present Item 3 becomes Item 5, as follows:

"3. (1) In accordance with Item 5 of the Constitution of the Republic of Bulgaria, the concept "professional qualities" means meeting the requirement of having the necessary professional qualifications and morality consistent with the position.

"(2) The motions submitted to the High Judicial Council to the effect that the necessary professional qualities are not present must be submitted by the president of the Supreme Court, for Supreme Court justices; by the minister of justice, for all other judges; by the prosecutor general, for the prosecutors; and by the minister of internal affairs, for investigative magistrates.

"(3) The High Judicial Council formulates its opinion after hearing the respective judge, prosecutor, or investigative magistrate. Should the High Judicial Council resolve that the necessary professional qualities are not present, it may terminate the legal labor relationship by releasing the individual from his duties or resolve that the question of his nonreplaceability be resolved after another three-year term from the date of that resolution.

"(4) The High Judicial Council may review the resolution on relieving the individual of his position at the request of the interested individual submitted within a period of one month."

11. A new Item 4 is added to read as follows:

"4. (1) In the sense of Article 129, Paragraph 1 of the Constitution of the Republic of Bulgaria, the term 'position' applies to judge, prosecutor, and investigative magistrate.

"(2) In the sense of Article 129, Paragraph 3 of the Constitution, the term 'pensioning off' means the time when the judge, the prosecutor, or the investigative magistrate acquires the right to a pension."

Provisional and Concluding Stipulations

12. The nomination of members of the High Judicial Council must be made within one month of the enactment of the present law, in accordance with the new stipulations of the law. The activities of the present High Judicial Council are terminated following the appointment of the newly elected Council as per the present law.

13. The High Judicial Council is considered formed in the sense of Item 5 of the Constitution of the Republic of Bulgaria after it has been constituted in accordance with Item 12 of the present law.

14. The following amendments are made to Ukase No. 1138 on the creation of a unified investigative apparatus under the Ministry of Internal Affairs (DURZHAVEN VESTNIK No. 57, 1979; amended and supplemented in Nos. 26 and 91, 1988, and No. 46, 1991):

1. Article 6 is amended to read as follows:

"Article 6. The president of the Republic appoints to and relieves from his position the director of the National Investigative Service."

2. In this ukase, the words "Chief Investigative Administration" are replaced by "National Investigative Service."

Law on Ecological Requirements Affecting Investments

92BA0284A Sofia DURZHAVEN VESTNIK
in Bulgarian No 54, 9 Jul 91 pp 2-8

[Order No. 1 of the Ministry of Construction, Architecture, and Public Works and the Ministry of Environment on Ecological Requirements for Territorial-Development Planning and Investment Projects, dated 13 June 1991, signed for the Minister of Construction, Architecture, and Public Works by L. Pelovski and by Minister of the Environment D. Vodencharov]

[Text]

Order No. 1

of 13 June 1991

on Ecological Requirements for Territorial-
Development Planning and Investment Projects

Chapter I

General Principles

Article 1. This order defines the ecological requirements for the drawing up and implementation of territorial and urban-development plans and investment projects.

Article 2. (1) The ecological requirements for territorial and settlement development are a package of norms, requirements, and indicators for the development of the territory and the projects situated therein, for the purpose of environmental protection and restoration simultaneously with the satisfaction of society's needs.

(2) The ecological requirements shall be defined and substantiated as a result of comprehensive ecological studies and shall be drawn up as decisions on territorial development and urban development, technical and technological measures for environmental protection and restoration.

Chapter II

Ecological Requirements for Territorial-Development and Urban-Development Plans

Section I

Basic Requirements

Article 3. Every territorial-development and urban-development (general and detailed) plan shall contain a part on "Environmental Protection and Restoration," which shall include the following:

1. An analysis and assessment of the existing state of natural resources and conditions;
2. A comprehensive assessment of the territory's ecological state;
3. A forecast assessment of the state of the environment;
4. A synthetic schema and program of measures for environmental protection in the territory under consideration.

Section II

Analysis and Assessment of Existing State of Natural Resources and Conditions

Article 4. (1) The analysis and assessment of the existing state of the natural resources and conditions shall mandatorily include the following:

1. Atmospheric air;
2. Surface water and groundwater;
3. State and disturbances of geological base and relief;
4. Soil;
5. Flora and fauna;
6. Impact of noise, vibrations, and electromagnetic radiations;
7. Thermal and radiation pollution of the territory.

(2) Where necessary, an analysis and assessment shall be made of the state of other natural resources and conditions as well.

(3) The purpose of the analysis shall be to discover the state of the individual natural resources and conditions, any change thereof, the possibility of their utilization, as well as measures for their improvement protection.

Article 5. (1) The analysis and assessment of the state of the atmospheric air shall cover the following:

1. Characteristics of the relief, climatic, and meteorological factors affecting the state of the air;
2. Pollution sources and quantity of pollutants by type and composition;
3. Pollution of the ground layer of the atmosphere and the territorial range of the polluted-air zones, with allowance for the existing background.

(2) The criteria for the state of the atmospheric air shall be the maximum allowable norms of harmful substances set by the current prescriptive acts. If interactive harmful substances are present in the atmosphere, their complex interaction must be allowed for.

Article 6. (1) The analysis and assessment of surface water and groundwater shall cover the following:

1. Quantitative and qualitative characteristics of the territory's water resources and rated categorization of the receiving streams;
2. Hydrogeological and hydrological conditions and factors affecting the state and regime of surface water and groundwater;
3. Principal pollution sources, quantity and site of debouchment of waste waters, their composition and treatment method;
4. Principal water consumers and water consumption by water categories;
5. Site of water intake;
6. Changes in the regime of receiving streams due to water use, river corrections, hydraulic structures, and so forth, as well as their impact on the groundwater regime and the territory's overall ecological state.

(2) Criteria for the quantitative and qualitative state of water resources shall be the water economy balance and the current indicators and norms.

Article 7. (1) The analysis and assessment of the soil cover and changes in the geological base and relief shall include the following:

1. Geological, geomorphological, and geochemical conditions of the terrain;
2. Assessment of the state of the soil cover and evaluation of the disturbed lands (eroded, excessively wet, salinized, acidified, worthless for economic activities, and polluted with harmful substances and wastes);

3. Identification of changes in the geological base and relief as a result of economic activities.

(2) Criteria for the condition of the soils shall be the norms for maximum allowable content of harmful substances and their quality-index categorization.

Article 8. (1) The analysis and assessment of flora, fauna, and protected natural features and territories shall cover the following:

1. Characterization of the vegetation and assessment of its state and of the habitats of rare and threatened plant species;

2. Characterization of the dominant animal species and of the habitats of rare and threatened species;

3. Characterization of protected natural features and territories.

(2) Criteria for the state of flora and fauna shall be their composition by species and abundance, taxation characteristics, and the ecosystem's degree of stability.

Article 9. (1) The analysis and assessment of the impact of noise, vibrations, electromagnetic radiations, thermal and radiation pollution of the territory shall cover the following:

1. Acoustic discomfort zones and sources of noise pollution;

2. Zones affected by sources of electromagnetic fields and of heat and radioactive emissions.

(2) Criteria for the state of the environment shall be the prescribed maximum allowable noise levels and the hygienic norms for electromagnetic and radiation pollution of various territories and zones of the settlements.

Section III

Comprehensive Assessment of Territory's Ecological State

Article 10. The analysis and assessment of natural conditions shall be the basis for the comprehensive assessment of the territory's ecological status.

Article 11. (1) The comprehensive assessment shall contain the following:

1. Overall ecological parameters of the territory: the environment's regenerative capacity in respect of its basic elements (oxygen, water, and biomass), maximum allowable (threshold) demographic carrying capacity, allowable degree of disturbance of the ecological equilibrium;

2. Comparative characteristics of the status of the territory under consideration in respect of indicators for anthropogenic load in comparison with the average indicators for the oblast and the country and in comparison with the established norms, as well as consideration of interrelationships with neighboring countries;

3. Territories with ecological problems (those with above-normal pollution, with high population density, with infrastructural overload and a lack of undisturbed natural environment) and possibilities for their improvement, restoration, and protection;

4. Natural resource potential of the environment from the viewpoint of its ecological suitability for economic use and the ecological zoning of the territory;

5. Ecological limitations and requirements for planning decisions.

(2) The criterion for assessment of the territory's ecological state is the ecological equilibrium, expressed in the following package of conditions:

1. Provision of conditions for environmental regeneration;

2. Provision of a preponderance of geochemical and biochemical activity of the environment in balance with the pollution of anthropogenic origin;

3. Provision of a lower anthropogenic load on the environment than the maximum allowable load;

4. Provision of the necessary ecological minimum undisturbed natural environment.

Section IV

Forecast Assessment of the Environment

Article 12. (1) Territorial-development and urban-development measures shall be subject to a preliminary forecast assessment to determine their comprehensive impact on the environment.

(2) Subject to forecast assessment is the possible environmental change in case of an accident at projects that represent a potential risk of a disturbance of the ecological equilibrium.

Article 13. (1) The forecast assessment of the expected state of the environment in consequence of the carrying out of all planned measures shall cover the following:

1. Changes in the anthropogenic load on the environment (settlements, population density, mode of territorial use, and so forth);

2. Changes in the state of individual natural resources and conditions (air, waters, soils, plant and animal kingdoms) and their effect on the ecological equilibrium;

3. Changes in public-health conditions and the ecological threat of the settlements or parts thereof and their population as regards pollution of the biosphere with harmful substances, noise, and other emanations.

(2) The preservation of the ecological equilibrium in the territory shall also be a criterion for assessment of the territorial-development and urban-development plans.

Article 14. The forecast assessment shall be the basis for carrying out the necessary preventive environmental-protection measures and the priority tasks in the development of the territory.

Section V

Synthetic Schema and Program of Environmental-Protection Measures

Article 15. The synthetic schema of environmental protection shall be drawn up on the basis of the comprehensive assessment of the ecological state of the territory and forecast assessments of the impact the planned measures will have on the environment and shall encompass the following:

1. Measures for improving the existing state of the environment and restoring the natural resources and conditions;
2. Preventive measures making possible an ecology-compatible implementation of the planned development of the territory.

Article 16. (1) As part of the synthetic schema of environmental protection, there shall be drawn up a stage-by-stage program of nature-protection measures, with approximate capital investment and mandatory priority.

(2) Given a choice of alternative measures, an ecological-economic assessment shall be made of the different versions.

(3) Territorial-development and urban-development measures for the improvement and protection of atmospheric air shall take the following form:

1. Imposition of restrictions and bans on the siting of industrial enterprises releasing harmful substances with impact analogous to or identical with the existing pollutants and giving rise to an exceeding of the maximum allowable norms, as well as on projects for habitation, recreation, and agricultural production in zones with above-norm pollution of the atmospheric air;
2. Creation of sanitary-cordon zones around industrial complexes or individual polluting enterprises, transportation hubs, municipal works, and so forth;
3. Proposals for technological updating of individual polluters, for removing them outside the confines of the settlements or for closing them down;
4. Restriction on the development of settlements in zones impacted by industrial and other activities;
5. Territorial-development and urban-development solutions for abatement of the health hazards of motor transportation;
6. Landscaping and provision of public services and amenities of the territory.

(4) Territorial-development and urban-development measures for efficient use and protection of water resources shall include the following:

1. Efficient siting of water-retaining systems compatibly with the territory's water-resource potential;
2. Preservation and increase of the territory's water-resource potential through afforestation of the catchment area and stabilization of the banks of the receiving streams;
3. Determination of the necessary degree of treatment of waste waters and the site of their debouchment in conformity with the quantitative and qualitative composition of the waters in the receiving stream, with allowance for combined effect of harmful substances acting in the same way;
4. Mandatory provision for the minimum quantities of water that must flow into the receiving stream under the structures in determining the possibility of a new water intake from the source in the water balance for the purpose of preserving the ecological equilibrium;
5. If the quantitative and qualitative state of the territory's water resources is disturbed, proposals shall be made for their technological restoration or for moving or closing down the polluting or water-retaining bodies.

(5) The territorial-development and urban-development measures for the improvement, restoration, and protection of the soil cover shall be as follows:

1. Zoning of the territory and establishment of ecological regimes (observance of restrictions on land use for nonagricultural needs, restriction on the use of pesticides and mineral fertilizers in highly polluted sectors, and a ban on irrigation with polluted waters);
2. Recultivation of lands disturbed by industrial and other economic activities;
3. Erosion control (creation of erosion control belts, recommendations on land-tillage and irrigation method, afforestation of highly eroded lands, and so forth);
4. Neutralization and utilization of solid domestic and industrial wastes; determination of a site and most efficient and harmless method for their storage.

(6) The principal territorial-development and urban-development measures for the protection of flora and fauna, of specimens of inanimate nature and of protected features and territories shall be the following:

1. Zoning and establishment of ecological regimes in conformity with the state of the plant and animal kingdoms, their ecological, recreational, and economic function, and the location of the protected natural features and territories;
2. Proposals for restructuring the species composition of the forests, and for increasing their productivity and regenerative capacity;

3. Determination of the necessity of putting out plants with nature-protective and public-health functions and of forming an integrated green system in the territory;

4. Determination of the necessity for the protection of unique natural features, unaffected by anthropogenic activity, and habitats of valuable and rare plant and animal species, as well as proposals for their protection.

(7) The territorial-development and urban-development measures for abatement of noise discomfort shall be the following:

1. Zoning and determination of the territory's ecological regimes as they bear on its noise pollution;

2. Improvement of the road and street network and regulation of the rate of traffic flows;

3. Rational interspacing of noise sources and buildings with a different purpose;

4. Proposals for moving noisy production processes outside of settlement;

5. Screening of noise sources by man-made structures, mounds of earth, landscaped strips, nonresidential buildings, and so forth.

(8) The territorial-development and urban-development measures for the abatement of the intensity of electromagnetic fields shall be as follows:

1. Laying the line elements of the technical infrastructure in infrastructural corridors along routes with minimal ecological impact;

2. Establishment of sanitary-cordoning zones around sources of electromagnetic radiations;

3. Landscaping and screening of structures.

(9) To abate thermal pollution of the receiving streams by thermal-radiation sources (nuclear power plants, thermoelectric power plants, and so forth), provision shall be made for isolation of the cooling waters until their temperature becomes normal.

(10) The territorial-development and urban-development measures for protection of the environment from radioactive pollution shall be decided in conformity with the current prescriptive acts.

Chapter III

Ecological Requirements for Investment Projects

Section I

Basic Requirements

Article 17. Every phase of project planning in the investment process shall contain ecological studies and determinations on environmental protection and restoration.

Section II

Scope and Content of the Part on "Ecological Decisions" in the "Preplanning Studies" Phase

Article 18. The ecological determinations shall be formulated in the "Preplanning Studies" phase so that, as early as this phase, a determination may be made of the basic ecological characteristics necessary for a clear-cut ecological expert opinion approving or terminating further planning.

Article 19. (1) The part on "Ecological Determinations" shall be formulated with the following scope:

1. A comprehensive assessment of the ecological state in the region decided upon for siting of the project, this assessment made on the basis of the analyses and assessments of the individual natural conditions;

2. A forecast assessment of the comprehensive impact of the planned project on the environment (natural resources and conditions, change in anthropogenic load on the environment, and ecological equilibrium of the environment);

3. System of determinations and measures for environmental protection;

4. Assessment of the damage from the impact of the project on the environment.

(2) The content of the part on "Ecological Determinations" shall summarize the ecological determinations of the respective planning parts, and the assessments in accordance with Paragraph 2 shall be formulated on this basis.

Article 20. The part on "Ecological Determinations" shall contain the following as regards the protection of the atmospheric air:

1. The quantity—by type and composition—of the gases emitted into the atmosphere by the project being planned and investigations to determine their impact, including a version with most unfavorable meteorological condition and maximum pollution background;

2. Site diagrams with an analysis of the impact on existing objects within the confines of the territory;

3. Determination of a sanitary cordon;

4. Gas-scrubbing and dust-cleaning systems, degree of effectiveness and reliability, comparisons with world-class technical achievements in this area;

5. Introduction of no-waste and low-waste production technologies;

6. Methods of using substances trapped by treatment facilities or ways of disposing of them harmlessly;

7. Methods of monitoring the quantity and quality of the gases emitted into the atmosphere;

8. Methods of insuring safety in the region in the event of an accident at the project.

Article 21. As regards the protection and restoration of water resources, the part on "Ecological Determinations" shall contain the following:

1. The necessary quantity and quality of water resources for the project and a water-intake site;
2. Determination of the influence of the project being planned on the regime of surface water and groundwater in the region, assurance of minimum quantities of water in the water source after the intake of water;
3. Treatment facilities, including efficiency, reliability, modernity;
4. Quantity and quality of waste water, point of debouchment, influence on receiving stream, including a version with most adverse conditions;
5. Introduction of water-conserving production technologies (dry and semidry production processes, no-waste and low-waste technologies, recirculating water supply);
6. Methods of using the sediments from treatment facilities or of disposing of them harmlessly;
7. Measures for conservation of surface water and groundwater in the region of the project (plugging of aquiferous strata, irrigation, bank stabilization, and so forth), depending on the type of project being planned;
8. Measures for protection of biological life in the water basin (provision for the migration of fishes, maintenance of normal temperature regime, silt control, and so forth), depending on the type of project being planned;
9. Methods for monitoring the quantity and quality of extracted water and waste waters;
10. Methods for protection of water resources in the event of an accident at the project.

Article 22. As regards soil protection, the part on "Ecological Determinations" shall contain the following:

1. Substantiation of the acreage and category of land needed for the project being planned;
2. The impact of the project on the soils in the region, including the impact in the process of constructing it;
3. Landscape- and soil-protection measures, including a plan for recultivation of disturbed areas; the order and method of excavation, storage, and utilization of the humus layer from the site of the project, and so forth;
4. Measures for the elimination of adverse aftereffects due to the construction and operation of the project under consideration;
5. Methods for utilization of solid wastes from the production process and construction. If the impossibility of their utilization with modern equipment and technologies is substantiated, sites for their disposal shall be designated, with an assessment of the impact upon

surrounding terrains and water resources in the region, and measures shall be provided for their protection.

Article 23. As regards the protection of flora and fauna, the part on "Ecological Determinations" shall include the following:

1. Determination of the impact of the project under consideration on the flora and fauna, as well as measures for their protection and regeneration;
2. Well-grounded substantiation in case of the necessity to destroy arboreal and other plant species, and provision of compensatory measures;
3. Provision of passageways for animals to cross freely when projects running in a straight line are planned (highways, irrigation canals, and so forth);
4. Optimum regulation of the anthropogenic load on the ecosystems when planning recreational facilities.

Article 24. As regards environmental protection from noise and other emanations, the part on "Ecological Determinations" shall contain the following:

1. Characteristics of the noise, vibrations, electromagnetic and other radiations emitted by the project (level, intensity, duration, operating conditions);
2. Territorial range and site diagram of the impact;
3. Introduction of modern technical and technological solutions for abatement of the emitted noise and other harmful physical factors;
4. Measures for abatement of noise impact (space-and-architectural solutions, introduction of modern soundproofing materials, provision of sound barriers, and so forth);
5. Screening of electromagnetic and other radiations;
6. Methods for protection of the region from radiation in case of an accident.

Article 25. The ecological determinations from the "Preplanning Studies" phase shall be included in the technical and economic task of the next stage of planning.

Section III

Scope and Content of the Part on "Environmental Protection and Restoration" in the "Technical Plan" Phase

Article 26. (1) The part on "Environmental Protection and Restoration" in the "Technical Plan" phase, including the comprehensive schedule of target dates and conditions for completion of the construction, shall be drawn up on the basis of ecological determinations from the preplanning studies and represents their technical and technological solution.

(2) Changes of the ecological determinations and measures adopted in the "Preplanning Studies" shall be permitted only if an unforeseen deterioration of the

project's ecological characteristics occurs, or for the purpose of improving them.

Article 27. (1) When for a given project a technical plan is drawn up without preparing studies, the part on "Environmental Protection and Restoration" shall contain both ecological studies and determinations in the scope and content envisaged in the "Preplanning Studies," as per Section II of this chapter.

(2) For cases when a change is necessary in the technical plan of one or more ecological solutions (measures) adopted in the "Preplanning Studies" phase, the requirements envisaged under Paragraph 1 shall apply.

Article 28. All technical and technological solutions for environmental protection and restoration that are worked out in the "Technical Plan" phase shall be included in the technical and economic task for capital construction.

Section IV

Scope and Content of the Part on "Environmental Protection and Restoration" in the "Work Planning" Phase

Article 29. (1) The part on "Environmental Protection and Restoration" in the work plan, including the plan for the organization and completion of project construction, shall be drawn up on the basis of the technical and economic task for capital construction and shall contain detailed planning with dimensioned calculations and blueprints of all structures connected with environmental protection and restoration.

(2) Changes in the ecological solutions in the work plan shall be permissible only if the parameters of the solutions of the preceding planning phases are not changed for the worse.

(3) In the event of an unforeseen worsening of the ecological characteristics of the project, the planning and any construction that has been started shall halt and the part on "Environmental Protection and Restoration" shall be completely reworked in scope and content as per Section II of this chapter.

Chapter IV

Ecological Expert Opinion of Territorial-Development and Urban-Development Plans and Investment Projects

Article 30. (1) The ecological expert opinion on the territorial-development and urban-development plans is a mandatory part of the comprehensive expert opinion of these projects and shall be made pursuant to the Law on Territorial and Settlement Development.

(2) The ecological assessment of investment projects shall be made by expert bodies of the following:

1. Ministry of Environment;
2. Ministry of Construction, Architecture, and Public Works;

3. Obshtina people's council, with the participation of the RIOOS [*rayonnata inspektsiya za opazvane na okolnata sreda*; rayon environmental-protection inspectorate] and the KhEI [hygiene-epidemiological inspectorate] for all projects in the territory of the obshtina.

Article 31. (1) The ecological expert opinion of the territorial-development and urban-development plans and investment projects shall evaluate compliance with the following:

1. Observance of the requirements of this order, current prescriptive acts, and technical and standardization prescriptive documents;
2. First-rate devising of ecological studies with the necessary scope and content;
3. Envisagement and elaboration of the necessary territorial-development, urban-development, technical, and technological measures and means for efficient nature management and for protection and restoration of the natural environment;
4. The extent to which equivalent alternatives encompassing modern measures for protection and restoration of the natural environment have been elaborated.

(2) In accordance with Subparagraphs 1 and 2 of Paragraph 1, the ecological expert opinion shall be categorical—in the event of noncompliance with any of these requirements, the plan or draft shall not be approved.

(3) In accordance with Subparagraphs 3 and 4 of Paragraph 1, the ecological expert opinion may also assess the necessity of additional work so as to include unforeseen measures and alternatives.

Chapter V

Ecological Requirements for the Process of Applying Territorial-Development and Urban-Development Plans and Implementing Investment Projects

Article 32. (1) In the event of a change in territorial-development and general and detailed (for at least one ward) urban-development plans, ecological studies shall be made, including an analysis and assessment of the individual natural resources and conditions and a comprehensive assessment of the territory's ecological state.

(2) The corrective measures suggested shall mandatorily be subject to ecological expert opinion in conformity with Article 31.

Article 33. The obshtina people's council shall not approve plans for projects that do not meet the requirements of Article 13, Paragraph 2.

Article 34. (1) Determination of the area for the project being planned shall be made subject to observance of the minimum sanitary-cordoning zones, depending on medical classification, ecological characteristics, and functional purpose of the project.

(2) In the event of a risk of accidental pollution of the atmosphere, the site for the project shall be determined according to the specific geographic and climatic features, with a view to assurance of dispersal of the pollutants and protection of the settlements.

Article 35. Authorization for water intake shall be granted by the competent authorities in conformity with the obshtina's water resources balance. Authorization for the debouchment of waste waters shall be accompanied by a specification for the degree of their treatment, depending on the location and qualitative state of the receiving stream.

Article 36. Through coordination, both the specific ecological requirements for the plan and the method of its implementation shall be determined (requirement for putting the project "into the picture" of the ambient landscape, for reclamation and the landscaping of terrains, for preservation of the protected natural features in the vicinity, for making projects safe in case of an accident, and so forth).

Article 37. No construction permit shall be issued unless there is a favorable conclusion from the authorities in Article 30, Paragraph 2.

Article 38. Construction work on the project shall be carried out in conformity with the elaborated plan, with the surrounding terrain safeguarded against destruction of the soil and vegetation and against pollution from the construction debris.

Article 39. The project shall be put into service in the manner and according to the procedure laid down in the current prescriptive acts, it simultaneously being required that, during the conduct of experimental trials, all precautionary measures be taken for protection of the environment in one fell swoop.

Article 40. During the construction and operation of the projects, the Ministry of Environment shall monitor the observance of the ecological decisions formulated in the project plan, the keeping of the stipulated parameters of the structures within their specified limits, and the discharge of gases and water.

Transitional and Final Provisions

1. This order is issued on the basis of Article 201 of the Law on Territorial and Settlement Development and in connection with Decree No. 45/1991 of the Council of Ministers on the Definition of the Principal Functions and Tasks of the Ministry of Environment (DURZHAVAN VESTNIK, No. 25/1991).

2. This order rescinds the following:

1. The instruction of the Ministry of Construction and Organization of Settlements on the content of the part on "Environmental Protection for Capital Investment Projects," published in the BYULETINA ZA STROITELSTVO I ARKHITEKTURA [Construction and Architecture Bulletin], No. 9/1984.

2. The instruction of the Committee on Environmental Protection regarding the drawing up of the part on "Environmental Protection" in plans for capital investment projects and the procedure for rendering ecological expert opinions, published in BYULETINA ZA STROITELSTVO I ARKHITEKTURA, No. 8/1985.

3. The territorial-development and urban-development plans that have gone into effect shall, as they are applied, be brought into conformity with the requirements of this order.

4. Approved investment projects shall, on request of the obshtina people's council, be brought into conformity with the requirements of this order. Pending the rendering of the ecological expert opinion, construction that has been started shall be halted.

5. All outlays on the drafting of the ecological parts of territorial-development and urban-development plans and investment projects shall be included in the cost of the project, while the ecological expert opinion shall be incurred at the investor's expense.

6. Monitoring of compliance with the order is entrusted to the minister of environment and the minister of construction, architecture, and public works.

National Assembly Rules on Organization, Activities

92BA0323A Sofia DURZHAVEN VESTNIK
in Bulgarian No 105, 19 Dec 91 pp 3-13

[Text of "Rules on the Organization and Activities of the National Assembly," adopted by the 36th National Assembly on 11 December 1991, signed by National Assembly Chairman Stefan Savov, and stamped with the state seal]

[Text]

General Stipulations

Article 1. The National Assembly structures its internal organization and conducts its activities in accordance with the Constitution and the provisions of these rules.

Article 2. The National Assembly meets in the building of the National Assembly in the capital city, unless, in exceptional circumstances, it resolves to meet elsewhere.

Chapter 1

Convening the National Assembly

Article 3. (1) The first meeting of the National Assembly is opened by the oldest national representative present. He chairs the meeting until a National Assembly chairman is elected.

(2) The national representatives verbally swear the oath of office stipulated in Article 76, Paragraph 2 of the Constitution and certify by signing the oath of office documents.

Article 4. (1) The only debates that may take place under the chairmanship of the oldest national representative are those that deal with the election of a National Assembly chairman.

(2) At its first meeting, the National Assembly elects a chairman and as many as three deputy chairmen by secret ballot.

(3) Any national representative or parliamentary group may nominate candidates for chairman and deputy chairmen of the National Assembly.

(4) Candidates who have obtained more than one-half of the votes of attending national representatives are considered elected. If the required number of votes is not obtained at the first round of the balloting, the balloting is repeated for the two candidates who have obtained the highest number of votes.

Article 5. (1) The chairman or a deputy chairman of the National Assembly may be dismissed before his term expires in the following cases:

1. By personal request;

2. By a written request submitted by no fewer than one-third of all national representatives, if fulfillment of obligations as chairman or deputy chairman is objectively impossible or if he systematically violates his rights and obligations within the scope of his authority.

(2) In the case of Item 1 of the preceding paragraph, the termination of the mandate of chairman or deputy chairman is accepted without any discussions or balloting.

(3) In the cases stipulated in Item 2 of Paragraph 1, the request is submitted to vote by secret ballot and is considered adopted if more than one-half of the attending national representatives vote for it.

(4) In the case of the premature expiration of a mandate, a new election must be held within 14 days from the adoption of the decision.

Article 6. (1) The National Assembly elects six secretaries from among the national representatives by open vote.

(2) The chairman of the National Assembly appoints four technical individuals to act as quaestors.

Article 7. At subsequent meetings, the National Assembly elects its permanent commissions.

Chapter 2

Leadership of the National Assembly

Article 8. (1) In addition to his rights as per Article 77, Paragraph 1 and Article 78, Item 1 of the Constitution, the National Assembly chairman:

1. Announces and assigns bills and other motions submitted in the National Assembly to its commissions, in accordance with their area of competence;

2. Ensures proper conditions for the work of the National Assembly commissions and the national representatives;

3. Formulates the internal rules of procedure used in the premises of the National Assembly, as well as those for the organization and the service personnel of the National Assembly, and for the use of equipment;

4. Manages the National Assembly budget;

5. Signs and certifies the minutes of the National Assembly meetings;

6. Assigns seats in the chamber to the national representatives, according to their parliamentary group, and to the members of the Council of Ministers, the president, and the vice president;

7. Supervises the observance of the existing rules of procedure;

8. Defines job positions and appoints and dismisses National Assembly personnel.

(2) The National Assembly chairman may assign activities as per Paragraph 1 to a designated deputy chairman.

(3) Should the chairman participate in the debates on a given item, the meeting is chaired by the deputy chairman designated by the chairman. The chairman may not chair the meeting prior to voting or before debates on the item in question have been concluded.

Article 9. (1) The National Assembly chairman is assisted by a consultative body—the Chairman's Council—which consists of the deputy chairmen of the National Assembly, the chairmen of the parliamentary groups or their authorized deputies, and the chairman of the Legislative Commission.

(2) The National Assembly chairman may invite the chairmen of other permanent commissions, as well, to participate in the Chairman's Council.

(3) The Chairman's Council submits a draft program for the work of the National Assembly for one or two weeks, the draft agenda for the meeting, and the time allocated for debates and statements on each item on the agenda and its allocation among parliamentary groups.

Article 10. The National Assembly secretaries:

1. Report to the chairman on the attendance of national representatives of National Assembly meetings;

2. Check and sign the minutes of the meetings during which they were on duty;

3. Read the text of the draft bills discussed by the National Assembly, if necessary;

4. Keep track of the length of the statements made by the national representatives;

5. Count and report to the chairman the results of voting when a vote is made openly, without electronic equipment;
6. Organize and provide technical support for voting by secret ballot;
7. Read the names of the national representatives for roll-call votes;
8. Carry out other assignments related to the activities of the National Assembly, as instructed by the chairman.

Article 11. The National Assembly quaestors:

1. Carry out the orders of the chairman to keep order in the chamber;
2. Assist the National Assembly secretaries in counting the votes by open or secret ballot;
3. Ensure that only national representatives and officials authorized by the chairman are present in the chamber.

Chapter 3

Parliamentary Groups

Article 12. (1) The national representatives may form parliamentary groups based on party affiliation or political orientation.

(2) Parliamentary groups and coalitions that are established on the basis of parties and coalitions registered for the electoral campaign take the name under which they obtained their National Assembly mandate in accordance with the resolution of the Central Electoral Commission.

(3) The minimum number of national representatives who may form a parliamentary group is 20.

(4) If a party or a coalition that participated in the elections independently has less than 20 national representatives, it may set up a separate parliamentary group with a smaller number of national representatives, but with no fewer than 10.

(5) The national representatives whose number may be insufficient to organize a separate parliamentary group may join already established parliamentary groups and form a parliamentary union. The parliamentary union has the rights of a parliamentary group.

(6) Should the number of national representatives within a parliamentary group drop below the stipulated number, the group is dissolved.

Article 13. (1) Each parliamentary group submits to the National Assembly chairman a decision on its formation and a list of its leadership and members, signed by all of the national representatives in the group.

(2) The National Assembly chairman announces the registered parliamentary groups and their leaderships at a plenary meeting.

(3) Parliamentary groups, their leaderships, and changes within them are recorded in a special record book kept by the National Assembly. Any change in the membership of the parliamentary groups must be reported by the National Assembly chairman at a plenary meeting.

Article 14. The name of a parliamentary group or union may not be the same as that of an organization, party, or coalition that has already been registered in accordance with the regulations.

Article 15. (1) A national representative may be a member of only one parliamentary group.

(2) The conditions for membership and the beginning and ending of membership as well as the rights and obligations of the members are defined by the parliamentary group itself in accordance with the stipulations of this rule.

(3) A national representative may withdraw from a parliamentary group by submitting a written request to the leader of the group and the National Assembly chairman.

Article 16. Parliamentary groups that defend private, local, and professional interests may not be formed.

Chapter 4

National Assembly Commissions

Article 17. (1) The National Assembly elects national representatives to serve as members of permanent and temporary commissions.

(2) The permanent commissions of the National Assembly are as follows:

1. Legislative Commission;
2. Economic Commission;
3. Commission on Budget and Finance;
4. Commission on the Administrative and Territorial System and Local Self-Government;
5. Commission on Foreign Policy;
6. Commission on National Security;
7. Commission on Labor and Social Security;
8. Commission on Human Rights;
9. Commission for Control Over the Income, Expenditure, and Property of Political Parties;
10. Commission on Agriculture;
11. Commission on Culture;
12. Commission on Education and Science;
13. Commission on Religious Matters;
14. Commission on Radio and Television;

- 15. Commission on the Environment;
- 16. Commission on Health Care;
- 17. Commission on Youth, Sports, and Tourism;
- 18. Commission on Complaints, Suggestions, and Petitions Submitted by the Citizens.

(3) The National Assembly may make changes in the type, number, and composition of the permanent commissions.

Article 18. (1) Any national representative may be a member of no more than two permanent commissions.

(2) The National Assembly chairman and deputy chairmen may not be commission members.

(3) A national representative may be elected to the leadership of no more than one permanent commission.

Article 19. (1) The principle of proportional representation of the parliamentary groups is applied in determining the composition of the permanent commissions.

(2) The leadership of a permanent commission consists of a chairman and two deputy chairmen. It organizes the work of the commission, chairs the meetings, and maintains ties to the other commissions. The commission may elect one of its members to be the commission's secretary.

(3) The leaderships and the members of the permanent commissions are elected from among the national representatives by open balloting, on the basis of motions submitted by the National Assembly chairman after consultations with the leadership of the parliamentary groups.

Article 20. (1) A permanent commission may award a civil contract to experts to carry out specific assignments, projects, and so forth, by decision of the commission's leadership. Temporary National Assembly commissions may be assigned technical secretaries and other personnel by the National Assembly chairman and upon the request of the commission's chairman.

(2) The permanent commissions may adopt their own internal regulations in accordance with the stipulations of these rules. If the commission's rules involve relations with third persons (experts and others) they must be approved by the National Assembly chairman.

(3) Requests for payment of the expenses of the permanent commissions of the National Assembly are submitted for approval to the National Assembly chairman by the commissions' leaderships.

Article 21. The permanent commissions may set up subcommissions and working groups.

Article 22. (1) The permanent commissions consider bills and draft decisions, declarations, and appeals, as

assigned to them by the National Assembly chairman; they draft reports and issue opinions on them.

(2) State authorities, officials, public organizations, and private citizens must submit any information or document needed to assist the activities of the permanent commissions upon request.

(3) The Legislative Commission considers all draft bills and motions for legal acts and issues its opinion on their consistency with the Constitution and existing laws, suggesting their adoption, or amendments or supplements to them.

Article 23. (1) The permanent commissions meet during the time designated for National Assembly work unless there are plenary sessions. The scheduling of the meetings and the agendas of the commissions are set by their leaderships.

(2) A permanent commission is convened for a meeting by its chairman upon a request from no fewer than one-third of its members or from the National Assembly chairman.

Article 24. (1) Meetings of the permanent commissions are public.

(2) The commissions may resolve that some of their meetings be closed to the public.

(3) The meetings of the Commissions on National Security and Foreign Policy are closed. The leaderships of these commissions may decide to hold some of their sessions in public.

(4) National representatives who are not members of a commission may participate in all of its meetings, without voting.

(5) Those attending commission meetings must observe the rules to protect official and state secrecy, as well as those ensuring the secrecy of information pertaining to the private lives and reputations of citizens.

(6) A person who has submitted a draft bill or posed a particular question, or his representative, must be present at the commission's meeting when it is discussed.

Article 25. The permanent commissions meet and make decisions when more than one-half of their members are present. Decisions are adopted by an open vote by a simple majority of those present.

Article 26. (1) Commissions may hold joint meetings if problems germane to both are considered. Such meetings are chaired by either chairman as mutually agreed.

(2) If joint meetings are held, each commission may formulate its own separate decision on the subject under discussion. In the case of differences, each commission submits a separate report to the National Assembly.

Article 27. (1) The reports of the permanent commissions are drafted by their chairmen or by a reporter designated by the commission.

(2) The report reflects the decision adopted by the commission and the various viewpoints, indicating the majority that has supported them.

Article 28. (1) Abridged minutes are kept on the meetings of the permanent commissions, in which all adopted resolutions are recorded in the minutes.

(2) Complete records are kept on the meetings of the Legislative Commission, which are signed by the commission chairman and the recorder of the minutes.

Article 29. (1) Temporary commissions are set up for specific purposes, to study individual problems, or to conduct investigations.

(2) Temporary commissions are set up by the National Assembly upon the proposal of the chairman or of at least one-tenth of national representatives.

(3) The tasks, sizes, compositions, durations, and finances of the temporary commissions are set by the National Assembly.

(4) Rules governing the work of the permanent commissions apply to the temporary commissions as well.

Chapter 5

National Assembly Sessions and Meetings

Article 30. (1) The National Assembly meets in three annual sessions.

(2) The National Assembly is in recess between 22 December and 10 January, for 10 days during the Easter holidays, and from 1 to 31 August every year.

(3) The National Assembly may change the days of recess if necessary.

Article 31. (1) The National Assembly is summoned to a session by its chairman.

(2) In the cases stipulated in Article 78, Items 2, 3, and 4 of the Constitution, the chairman must schedule a meeting no later than seven days after a request has been received.

Article 32. (1) The plenary meetings of the National Assembly are held each Wednesday and Thursday from 1500 to 2000 hours, and on Fridays from 0900 to 1300 hours. By decision of the National Assembly, meetings may be extended, but by no more than two hours.

(2) The National Assembly may change the time of a meeting or meet in extraordinary session.

Article 33. (1) The meetings of the National Assembly are public.

(2) Individuals who are not national representatives or ministers may attend the meetings in accordance with the rules of procedure stipulated by the chairman. They must occupy their specifically assigned seats. During the meetings, they must follow the set rules.

(3) In the case of disorder in the chamber, the chairman must restore order and may order individual citizens or all outsiders to vacate the premises.

Article 34. (1) The meetings of the National Assembly are closed if so required by important state interests.

(2) A motion to hold a closed session may be made by the National Assembly chairman, one-tenth of the national representatives, or the Council of Ministers.

(3) If a motion to hold a closed session has been made, the chairman invites all outsiders to clear the chamber. After hearing the reasons for the request, the National Assembly discusses and votes on the motion. On the basis of the results of the vote, the meeting is continued as closed or public.

(4) The debates and minutes of a closed session are considered state secrets and entail the required obligations for all national representatives and other individuals with access to them.

(5) Resolutions adopted at a closed meeting are not made public.

Article 35. (1) Public meetings of the National Assembly may be transmitted live by Bulgarian Radio on a frequency that can cover the territory of the entire country, and by means of television reports.

(2) The National Assembly chairman may request live television broadcasts of plenary meetings either on his initiative or by decision of the National Assembly. Bulgarian Television may broadcast National Assembly meetings after notifying the National Assembly chairman.

Article 36. (1) The chairman opens the meeting in the presence of a quorum of more than one-half of the national representatives.

(2) If, before taking a vote, a parliamentary group or a national representative questions the existence of a quorum, the chairman orders a roll call.

(3) The chairman adjourns the meeting in the absence of a quorum.

Article 37. (1) By proposal of the Chairman's Council, the National Assembly adopts schedules for one or two work weeks, with a breakdown by individual meeting.

(2) At the end of each meeting, the chairman announces the day and hour of the next meeting and the agenda, based on the approved schedule for one or two weeks.

(3) Motions to delete from or include new items on the agenda or any other unprogrammed changes in the

agenda may be submitted to the National Assembly chairman in writing only, no later than by 1800 hours of the day before the meeting.

(4) Motions as per Paragraph 3 are put to a vote at the beginning of the plenary meeting without discussion. No new oral motions are recognized.

(5) In exceptional cases, the Chairman's Council may suggest a change in the agenda at the beginning of the plenary meeting.

(6) Items not included on the agenda may not be discussed.

Article 38. (1) The National Assembly chairman presides over the meeting and recognizes the speakers.

(2) A national representative may not speak without being recognized by the chairman.

(3) The representative indicates his request to be recognized by raising his hand or by submitting a written request in advance.

(4) The chairman draws up a list of the candidate speakers and determines the order in which they are recognized:

1. Depending on the order as determined by the leaderships of the parliamentary groups, in the case of the national representatives who will speak on behalf of these groups, and alternating among the representatives of the different parliamentary groups;

2. Depending on the order in which requests have been received.

Article 39. (1) On procedural issues, a speaker is recognized immediately, unless a request for an answer or an explanation of a negative vote has been made.

(2) Procedural issues are those that raise an objection to a specific violation of the rules of procedure for a meeting, as stipulated in the present regulation, or that include proposals on amending and supplementing the accepted rules of procedure, including:

1. Closing the meeting;
2. Postponing the meeting;
3. Concluding the debates;
4. Postponing the debates.

(3) Procedural issues must be formulated in no more than two minutes, without touching upon the essence of the main issue.

Article 40. National representatives may speak only from the rostrum.

Article 41. (1) If a speaker deviates from the issue under discussion, the chairman must caution him, and, if this

deviation continues or is repeated, the chairman no longer recognizes the speaker.

(2) A national representative may not discuss the essentials of the same issue more than once.

Article 42. (1) In setting the agenda, the Chairman's Council also sets the time allocated for each item. The time is divided among the parliamentary groups that have requested it, according to their size; the time allocated to any given group may not be less than 30 minutes.

(2) A parliamentary group may request in advance an extension of the time stipulated in Paragraph 1, but by no more than one-third. The other parliamentary groups have the right to a corresponding proportional extension of the time they have been allocated.

(3) If the Chairman's Council has not set the time needed for debates and statements in advance, three speakers from each parliamentary group may be recognized, for 10 minutes each, to discuss the respective item on the agenda. Within the 30 minutes allocated to it, the parliamentary group may have a different number of speakers.

(4) No more than three statements may be made by a national representative whose opinion differs from that of the parliamentary group of which he is a member.

(5) If a speaker exceeds his allocated time, as defined in the preceding paragraphs, a warning is issued, after which the chairman no longer recognizes that speaker.

(6) The rule stipulated in the preceding paragraphs does not apply to the discussion of bills before a second round of voting.

Article 43. (1) The national representative has the right to a reply.

(2) A reply is a short objection pertaining to the essence of a statement. It must be made immediately after the statement and may not exceed two minutes.

(3) No more than three replies per statement are allowed.

(4) No reply to the reply is allowed. The national representative to whom the replies have been addressed has the right to a response not exceeding two minutes, after the replies have been heard.

Article 44. (1) A national representative has the right to make a personal explanation, not exceeding three minutes, if he is affected personally or is named at a plenary meeting. The personal explanation is made at the end of the meeting.

(2) The national representative has the right to explain a negative vote; his explanation may not exceed two minutes and is made after the vote.

(3) The right to explain a negative vote is given to only a national representative who, in the course of the discussion of the matter, has not expressed the same negative viewpoint or has not spoken.

(4) No more than three national representatives may be recognized to explain negative votes.

(5) An explanation of a negative vote after a vote by secret ballot or a vote on procedural matters is not allowed.

Article 45. After all of the speakers have been recognized and have spoken, and after the representatives of all parliamentary groups have made their statements in accordance with the time allocated for such statements as per Article 42, Paragraphs 1 and 3, and if no requests have been made to extend the time as per Article 42, Paragraph 2, the chairman declares the debates closed.

Article 46. (1) A motion to close the debates cannot be debated. Only the leader of the parliamentary group that opposes the motion is recognized.

(2) The exercise of the right as per Paragraph 1 may not violate the rights of parliamentary groups as per Article 42, Paragraph 1.

(3) If a motion is rejected before a parliamentary group has expressed its views or used the time proportionally allocated to it, which is consistent with the use of time by other parliamentary groups, one or more of its representatives are recognized; the chairman sets the maximum length for their statements.

Article 47. If a motion to postpone debates has been filed, the rules of the preceding article apply. In a motion to terminate debates or postpone them, the motion to close the debates is voted on first.

Article 48. (1) A meeting may be ended or postponed by decision of the National Assembly, on the basis of a motion made by the chairman or by a parliamentary group.

(2) If motions to end or postpone a meeting have been submitted, the motion to terminate the meeting is voted on first.

Article 49. (1) If noise or disorder interferes with the work of the national representatives, or if important issues in need of attention arise, the chairman may announce a recess for a period of time.

(2) A parliamentary group has the right to demand a recess of no more than 30 minutes per meeting. The chairman declares a recess immediately after it has been requested.

Article 50. The members of the Council of Ministers have the right to attend National Assembly meetings. They may be recognized whenever they so request.

Article 51. (1) Voting is personal. It may be "for," "against," or "abstaining." The voting may be public or secret.

(2) The public voting procedure is as follows:

1. By raising the hand;
2. By personal signature;
3. By a voice roll call of the national representatives;
4. By the computerized balloting system.

(3) Computerized voting is done with a special card. Voting with someone else's card is forbidden.

(4) Secret votes are made with ballots.

Article 52. A motion for a voice roll call vote, for voting by personal signature, or for a secret ballot may be made by one-tenth of all national representatives or by a parliamentary group. The motion must be submitted to a vote without debate. One national representative per parliamentary group disagreeing with the motion may be recognized to speak on the motion.

Article 53. (1) The chairman announces an impending vote three minutes before it is made, so that the national representatives who are not in the chamber may be summoned to vote.

(2) No statements are allowed from the time a vote is announced until its completion.

Article 54. (1) The voting procedure is as follows:

1. Motions to reject;
2. Motions to postpone until the next meeting;
3. Motions to substitute;
4. Motions to amend;
5. Motions on a text already discussed, which could include already approved amendments;
6. Motions to supplement;
7. The main motion.

(2) In the case of two or more motions of the same nature, they are voted on in the order in which they were received.

Article 55. (1) A motion is considered passed if more than one-half of the national representatives present have voted for it, unless otherwise stipulated in the Constitution or law.

(2) In the case of a tie, the motion is considered denied.

Article 56. (1) The chairman announces the result of the vote immediately.

(2) If the voting procedure or results are disputed by a parliamentary group immediately after the vote, the chairman may order a second vote. The result of the second vote is final.

(3) When voting with the computerized system, print-outs of the results may be given to the leadership of the parliamentary group upon request.

Article 57. (1) The complete minutes of the National Assembly meetings are filed. They are drafted on the day of the meeting or, at the latest, the following day. The minutes must be signed by the recorders, the record keeper, the two secretaries on duty, and the chairman no later than three days after the drafting.

(2) The protocol of the minutes includes the text of the bills and the justification for them, decisions, and other acts passed by the National Assembly and the motions on them, even if they are not publicly read at the meeting, as well as a printout of votes by the computerized system.

Article 58. The national representatives may review the minutes of their statements and request the correction of errors within one day of the drafting of the minutes. All disputes are resolved by the chairman, on the basis of the reports submitted by the secretaries on duty and the recorder.

Article 59. (1) Corrections of factual errors in the legal acts passed by the National Assembly are based on instructions issued by the chairman before the minutes have been signed, and after the statements of the requesters and the speakers of the respective commissions have been heard.

(2) The National Assembly chairman informs the National Assembly of the corrections.

Chapter 6

Submission, Discussion, and Adoption of Bills

Article 60. Bills, along with justifying arguments for them, are submitted to the National Assembly chairman and are immediately recorded in a separate register.

Article 61. (1) The National Assembly chairman assigns bills to the permanent commissions within three days of their receipt.

(2) All bills must also be sent to the Legislative Commission, which considers them after the views of the respective permanent commission have been heard.

(3) An objection to the assignment of a bill may be filed with the chairman by the interested permanent commissions within two days of being apprised of the assignment; a judgment on the assignment must be made within the same period of time.

(4) At each plenary meeting during the respective week, the National Assembly chairman informs the national representatives of newly received bills and identifies their sponsors.

Article 62. (1) The permanent commissions discuss the bills no earlier than 48 hours from the time they have been received by the members of the respective commission. They submit to the National Assembly chairman and the chairman of the Legislative Commission their opinions and the justification for them within the time stipulated in the legislative program and the one- or two-week program for the work of the National Assembly.

(2) A bill is included in the agenda of the National Assembly no later than seven days after the Legislative Commission has issued its report.

Article 63. (1) The Legislative Commission must give its opinion on each bill after the views of the other permanent commissions have been heard.

(2) The Legislative Commission drafts a report with arguments justifying its findings and submits it to the National Assembly; it may suggest the adoption of the bill as submitted, make amendments and supplements to it, or reject it.

Article 64. A bill, along with the justifying arguments attached to it and the reports of the Legislative Commission and the other permanent commissions, is submitted to the national representatives no later than 24 hours before the meeting at which it will be discussed.

Article 65. (1) Bills are adopted after two votes taken at different meetings.

(2) In special cases, the National Assembly may decide that both votes should be taken at the same meeting.

(3) A bill is debated after the National Assembly has heard the report submitted by the Legislative Commission and the views of the bill's sponsor and those of the respective permanent commission, should they differ from the proposal of the Legislative Commission.

(4) In the first vote, a bill is discussed in its entirety. The national representatives address the basic concepts included in the bill; they may also submit written suggestions to the chairman on various parts of the bill.

Article 66. (1) All bills submitted to the National Assembly that deal with the same topic are discussed by the permanent commissions and the Legislative Commission at the same time and are submitted for debate at the same National Assembly meeting.

(2) If a bill is passed at the first reading, other bills that deal with the same matter and that have been submitted after the start of the plenary discussion of the bill that was accepted at the first vote may be discussed if the sponsors of these bills submit them as motions to amend

or supplement the new law. Such bills are considered in accordance with the general procedures stipulated in this chapter.

Article 67. (1) Following the conclusion of the first round of voting, the National Assembly may, if it deems necessary, decide to have a further debate on the bill and resubmits it to the Legislative Commission.

(2) The Legislative Commission submits a report with justifying arguments on the written suggestions that have been received on various parts of a bill no later than seven days from the time it received the bill that was adopted with the first vote.

Article 68. (1) The National Assembly debates and adopts the bill with a second round of votes, chapter by chapter, section by section, or text by text.

(2) The second vote deals only with motions submitted in writing prior to the beginning of the debate. This restriction does not apply in the case of amendments or supplements to the motions already submitted in writing.

(3) The voting procedure is based on the provisions of Article 54.

Article 69. The sponsor of the draft bill may withdraw it before the first vote or after it only by decision of the National Assembly.

Article 70. (1) The Commission on Foreign Policy, the Legislative Commission, and the other competent commissions must issue a preliminary recommendation for ratifying or denouncing international treaties by the National Assembly.

(2) The text of the treaties may not be amended. Reservations concerning multilateral treaties may be expressed only if they are admissible.

Article 71. (1) Draft decisions, declarations, and appeals may be submitted by national representatives and parliamentary groups.

(2) Draft resolutions, declarations, and appeals are assigned by the National Assembly chairman to the respective permanent commissions within three days of their receipt.

(3) The permanent commissions discuss the drafts as per Paragraph 1 within 15 days of assignment and submit their recommendations to the National Assembly chairman.

(4) The National Assembly debates and votes on draft decisions, declarations, and appeals no later than seven days after the recommendations of the permanent commissions have been received.

(5) Decisions, declarations, and appeals require one round of voting.

Chapter 7

Parliamentary Control

Article 72. (1) National representatives have the right to submit relevant questions to the prime minister or to individual ministers.

(2) A national representative may not ask more than two questions per meeting.

Article 73. (1) Questions are submitted in writing through the National Assembly chairman no later than 48 hours before the beginning of the meeting at which the ministers are asked to respond.

(2) The National Assembly chairman immediately informs the Council of Ministers of the questions that have been received.

Article 74. (1) The National Assembly generally hears the questions and answers on Fridays.

(2) The time for presenting a question must not exceed three minutes.

(3) The minister to whom the question has been addressed may request a postponement of his answer for a period not exceeding seven days.

(4) The minister answers verbally. His answer cannot be debated, and there can be no replies. The only statement the national representative who asked the question has the right to make is whether he is satisfied or dissatisfied with the answer.

Article 75. (1) A national representative has the right to submit an interpellation to the Council of Ministers or to individual ministers.

(2) An interpellation must pertain to matters within the competence of the Council of Ministers or that of the individual ministers, or concern activities of the administrative bodies under their jurisdiction.

Article 76. (1) Ministers must answer an interpellation within 14 days of receiving it. The answer may be oral or written. The answer must be in writing if the national representative who has submitted the interpellation has expressly requested a written answer.

(2) The prime minister or the individual minister may request an extension of the deadline, but for no more than seven days.

(3) A minister who has failed to answer within the time stipulated in Paragraph 1 and has not requested an extension of deadline as per Paragraph 2 must be present at the National Assembly within a one-week period and present an explanation.

Article 77. Interpellations are submitted in writing through the National Assembly chairman and must be

signed by the national representative. They must be clearly and precisely formulated and must not include accusations.

Article 78. (1) Every Friday, the National Assembly chairman reports on the interpellations he has received.

(2) The chairman promptly informs the prime minister or the respective minister of the interpellations he has received and the day and hour of the meeting at which he must answer.

(3) The minister must be present in person and provide explanations.

(4) The answer to an interpellation may be postponed if the national representative is not present at the meeting.

Article 79. A national representative may request in writing the withdrawal of his interpellation before obtaining an answer; the chairman informs the National Assembly and the respective minister of such a request.

Article 80. (1) After the National Assembly has started considering the interpellation, its author is given five minutes to expand it.

(2) After receiving an answer to the interpellation, the national representative who has asked it has the right to ask no more than two follow-up questions.

(3) No debate may be held and no replies are allowed concerning the answer to the interpellation. The national representative who has submitted the interpellation has two minutes in which to state whether he is satisfied or dissatisfied with the answer.

Article 81. If a written answer to an interpellation is received, the chairman reports its receipt during the next meeting of the National Assembly and gives a copy of the answer to the national representative who has submitted the interpellation.

Article 82. (1) The National Assembly may decide to begin a discussion on the interpellation when a motion is submitted by at least one-fifth of all national representatives.

(2) The debate is based on the procedure stipulated in Article 6 of this rule.

(3) A decision is issued on the interpellation.

Article 83. (1) The Council of Ministers may ask the National Assembly for a vote of confidence on its entire policy or on a specific subject.

(2) The debate begins at the first meeting following the receipt of a request for a vote of confidence.

(3) Following the debate, the National Assembly announces a decision at the same meeting.

(4) A decision is considered approved if more than one-half of the national representatives present have voted in favor of it.

Article 84. One-fifth of the national representatives may submit a draft decision giving their reasons for asking the National Assembly for a vote of no confidence in the Council of Ministers or in the prime minister.

Article 85. (1) A debate on the draft decision concerning a vote of no confidence must start no later than three days from receipt of the motion.

(2) In the course of the debate, no amendments or supplements to the text of a draft decision are allowed.

(3) A vote on a draft resolution is required no earlier than 24 hours after the conclusion of the debate.

(4) A draft decision is considered adopted if approved by more than one-half of all national representatives.

Article 86. A request for a no-confidence vote in the Council of Ministers dealing with the same subject as the vote of confidence may not be submitted earlier than six months from the adoption of a vote of confidence.

Chapter 8

Parliamentary Studies, Investigations, and Hearings

Article 87. The National Assembly or the commissions selected by it may undertake studies and investigations and hold hearings on matters pertaining to state or public interests.

Article 88. All state authorities, officials, political parties, public organizations, and private citizens must provide assistance by submitting the necessary information and documents related to the questions that are subject to investigations, studies, or hearings.

Article 89. The form in which the information is submitted is determined by the National Assembly or the respective commission.

Article 90. (1) The National Assembly or the respective commission may request that the official or the private citizen appear in person and answer questions.

(2) The summons is delivered by the staff of the National Assembly.

Article 91. If an individual who has been asked to provide the necessary information fails to appear at the National Assembly or the respective commission at the stipulated time and place, that individual is brought in by force in accordance with the procedure stipulated by law.

Chapter 9

National Representatives

Article 92. A national representative may be elected to bodies of the National Assembly. He must participate in their work.

Article 93. National representatives retain the positions they held in state bodies and organizations, remaining on unpaid leave until the expiration of their National Assembly terms.

Article 94. The time during which the national representatives perform their functions is credited in calculating labor seniority in their respective jobs.

Article 95. A national representative may receive an honorarium or a remuneration on the basis of a civil contract.

Article 96. (1) A national representative may not hold any other state job or engage in activities that, according to law, are incompatible with the status of a national representative.

(2) A national representative has no right to agree to or make use of his official status or his name for advertising purposes.

(3) Within one month of his election, a national representative submits to the National Assembly chairman a statement on his property holdings at the time of his election.

(4) Every year, a national representative submits to the National Assembly chairman a transcript of the declaration he has submitted to the tax authorities.

Article 97. A national representative has the right to paid annual leave of two calendar months. In principle, it must coincide with the recess of the National Assembly.

Article 98. (1) The national representatives must attend the meetings of the National Assembly and the commissions to which they have been appointed.

(2) A national representative who must leave a meeting before it has ended or who is late for a meeting must inform the secretaries on duty or the leadership of their respective commissions.

Article 99. A national representative who takes sick leave benefits from the rights stipulated in the Labor Code.

Article 100. (1) National representatives may not be detained and may not be subject to penal prosecution other than in cases of serious crimes; the National Assembly or, if the National Assembly is not in session, its chairman must give permission in such cases.

(2) Permission to apprehend is not required if a representative is caught while committing a serious crime. If it is in session, the National Assembly is informed immediately; if it is not in session, its chairman is informed.

(3) The national representatives may not be summoned to military rallies or exercises.

Article 101. (1) A national representative who becomes a member of the Council of Ministers must be replaced by the next candidate on the electoral list for the duration of his duties as minister.

(2) If he is released from his duty as a minister, a national representative regains his rights as per Paragraph 1, and the rights of his substitute are terminated.

Chapter 10

Parliamentary Behavior

Article 102. National representatives are forbidden to interrupt a speaker, engage in personal attacks, issue insulting statements, or make insulting gestures or threats against anyone; they are forbidden to make public information pertaining to the private lives or that damage the reputations of citizens, to behave in an unseemly manner, or to engage in acts that violate the order of the meeting.

Article 103. The following disciplinary measures may be applied to national representatives:

1. Reminder;
2. Remark;
3. Admonition;
4. Loss of recognition;
5. Removal from a meeting;
6. Removal for up to three meetings.

Article 104. A reminder is made by the chairman to any speaker who deviates from the topic of the debate or who violates the order of the meeting in any other way.

Article 105. (1) A remark is made by the chairman to a national representative to whom a reminder has already been made at the same meeting but who continues to violate the order.

(2) A remark may also be made to a national representative who has addressed himself to a colleague or colleagues with insulting words, gestures, or threats.

Article 106. A reprimand is imposed by the chairman on a national representative who, despite a reminder or a remark, continues to disrupt the order of the meeting or who has created a disturbance in the chamber.

Article 107. The chairman no longer recognizes a national representative who:

1. In the course of his allotted time for making a statement, has already been the subject of two of the disciplinary measures stipulated in Article 103;
2. Continues to speak after his time has elapsed, ignoring the request of the chairman to conclude.

Article 108. The chairman may ban for one meeting a national representative who:

1. Objects to an imposed disciplinary measure in a gross and unseemly manner;

2. Extensively and continuously obstructs the normal work at the meeting;

3. Votes with someone else's card.

Article 109. (1) The chairman may ban for more than one meeting but for not more than three meetings a national representative who:

1. Insults the National Assembly or the head of state;
2. Calls for violence in the chamber or in the building of the National Assembly;

3. Has repeatedly voted with someone else's card.

(2) A national representative banned from a meeting as per Articles 108 and 109 forfeits his pay for the meeting from which he was removed.

Additional Stipulations

1. (1) An amendment to the rule governing the organization and activities of the National Assembly may be proposed by the chairman or in a request submitted by one-tenth of all national representatives.

(2) Such a motion is submitted for plenary discussion within 14 days of its receipt.

2. The National Assembly issues decisions on matters not settled in this rule.

3. "Chairman" in the sense of these rules is the person who chairs the respective plenary meeting of the National Assembly.

4. The term "attending" in cases of secret balloting means the national representatives who participated in the balloting. In the case of an open vote, "attending" means the number of national representatives who are present in the chamber at the time of the vote.

Concluding Stipulations

5. This rule is adopted on the basis of Article 73 of the Constitution of the Republic of Bulgaria.

6. This rule is effective from the day of its publication in DURZHAVEN VESTNIK and replaces the Provisional Rules of Procedure for the Work of the National Assembly (DURZHAVEN VESTNIK No. 94, 1990; amended in No. 101, 1991).

Budget of the National Assembly

Article 1. The National Assembly budget includes all administrative and economic expenditures and the maintenance of the Chairman's Council, the commissions, the national representatives, and the interparliamentary group.

Article 2. (1) The National Assembly budget is submitted by the chairman and adopted together with the Law on the Budget for the respective year.

(2) The report on the budget must be accepted by the National Assembly, based on the chairman's report.

Article 3. A national representative receives a basic monthly remuneration that equals three average monthly wages of people employed in the national economy, based on data supplied by the National Statistical Institute. The basic monthly remuneration is recomputed each quarter, taking into consideration the average monthly wage for the last month of the preceding quarter.

Article 4. (1) The monthly remuneration of the National Assembly chairman is 70-percent higher than the basic monthly remuneration as per Article 3; the deputy chairmen of the National Assembly and the chairman of the Legislative Commission receive remunerations that are 60-percent higher; the chairmen of the parliamentary commissions, the deputy chairmen of the Legislative Commission, and the members of the Chairman's Council, who are not entitled to any other increases, receive 40-percent increases; the deputy chairmen of commissions and members of the Legislative Commission, 25-percent increases; the parliamentary secretaries, 15-percent increases; and national representatives who participate in the work of the permanent commissions, 10-percent increases.

(2) If a national representative performs two or more functions that entitle him to a higher basic monthly remuneration, he is paid the higher of the two only.

Article 5. (1) Withholdings are made or supplements are computed for the basic monthly remunerations as per Articles 3 and 4, based on the legal acts, including payments for holders of scientific degrees.

(2) In accordance with Council of Ministers Decree No. 129 of 5 July 1991 (DURZHAVEN VESTNIK No. 55, 1991), a Ph.D. receives additional monthly pay of 30 percent of the minimum wage for the country; a candidate of sciences receives 20 percent above the minimum wage for the country.

Article 6. A national representative may not be paid another remuneration based on a job or a pension.

Article 7. All additional expenditures incurred by a national representative for a companion or an aide for reasons of disability are paid out of the National Assembly budget.

Article 8. A national representative may not, in his capacity as a national representative, receive a gift whose value exceeds one-fifth of his basic monthly remuneration for the respective month. Gifts in excess of this value must be given to the National Assembly.

Article 9. (1) A national representative has the right to free travel by state and township urban transport facilities, and first-class tickets when traveling by railroad, motor vehicle, or water-transport facilities, as well as by sleeping berth in the entire domestic transportation system.

(2) The transportation expenditures of national representatives using privately owned bus lines in their travels in connection with their activities as national representatives are accepted.

(3) The transportation expenditures of national representatives elected in districts with which there are airline connections are accepted for up to 40 air round-trip tickets, and, for the others, as many as 12 round-trip airplane tickets in connection with their activities as national representatives.

(4) National representatives who do not live in Sofia are provided with housing or hotel accommodations in Sofia; their expenditures are absorbed by the National Assembly. Such representatives have the right to per diem payments for 20 working days per month, when the National Assembly is in session.

(5) A national representative has the right to receive a travel allowance from the National Assembly when he goes to his electoral district, if he has no permanent residence in that district.

(6) A national representative has the right to have an office in Sofia, equipped with the necessary technical and communications facilities.

Article 10. (1) The National Assembly budget absorbs the additional expenditures of a national representative related to his activities, including the pay of associates, offices, consultations, and the use of experts in his work

in the National Assembly and his electoral district; this may not exceed two-thirds of his basic monthly remuneration per Article 3.

(2) A national representative must declare his expenditures as per the preceding paragraph by the end of each quarter.

Article 11. The National Assembly budget includes funds for representation expenditures for the chairman and deputy chairmen of the National Assembly and the chairmen of the parliamentary commissions, as well as funds for welcoming guests invited by the National Assembly.

Article 12. In cases of unjustified absence from plenary meetings, a sum equaling two-thirds of the daily remuneration is withheld. For being absent at a commission meeting, one-third of the amount of the remuneration is withheld.

Article 13. The funds collected as per Article 12 are handled as credits to the National Assembly budget.

Provisional Stipulations

1. Remunerations as per Article 3 are computed as of 14 October 1991, and, as per Article 4, as of the date of election of the national representatives to their respective positions and commission memberships.

2. The national representatives lose their rights to pension and labor wages under the conditions of Article 6 after 14 October 1991.

Decision Declares Penal Decree Unconstitutional

92P20165A Budapest MAGYAR KOZLONY
in Hungarian No 11, 30 Jan 92 pp 193-199

[Summary] Budapest MAGYAR KOZLONY in Hungarian pp 193-199 carries the full text of Constitutional Court Decision No. 5/1992 declaring the provisions of Paragraph 6, Section (3) Subsection (c) of Decree With the Force of Law No. 11 of 1979 and the related Ministry of Justice Directive No. 108/1979 unconstitutional. The decision is based on the provisions of Paragraph 57 Section (5) and Paragraph 55 Section (1) of the Constitution, which provide that:

"All persons in the Hungarian Republic shall be entitled to legal recourse pursuant to law, against decisions rendered by courts, state administrative organs or other authorities which violate a person's rights or just interest,"

and that:

"All persons shall possess the right to be free and to personal security in the Hungarian Republic, and no person shall be deprived of his freedom except for reasons specified by law and based on proceedings specified by law," respectively.

The challenged provision rules out the possibility of legal recourse against the decision of a sentencing judge. The court stressed that it had reached its decision not because the possibility of appeal, as one avenue of legal recourse, had been ruled out, but because no avenue for legal recourse or lower court review had been provided with respect to 20 types of sentences.

The court analyzed the 20 different types of sentences which fall under the authority of sentencing judges. These range from changing the degree to which a person loses his freedom, through the designation of work places and the ordering of corrective or educational labor, all the way to the ordering of guardianship and of continued education in a correction institution. Following lengthy analyses of scenarios and effects related to each of the 20 types of sentences, the court found that, based on the 1979 decree, the decision of a sentencing judge could be appealed only in regard to four of the 20 types of sentences, and only in five of the remaining 16 situations did the decree mandate a sentencing judge to review a case. With respect to the remaining 11 situations, a right to redress exists only in general terms, and no law, legal provision, or direction mandates a sentencing judge to perform a review. The effectiveness of the general right to redress is also questionable, because in regard to 11 types of punishments the sentencing judge is not mandated even by the Justice Ministry directive to perform a review, regarding five types of punishment the sentencing judge is mandated to perform a review only if he finds that substantial cause for review exists, and regarding all types of punishment, the review is performed by the original sentencing judge.

Since codification of the Criminal Code of Laws is in progress, and since appropriate changes can be expected, the court's decision takes effect on 31 December 1992.

Law on President's Duty, Appointing Power

92P20165C Budapest MAGYAR KOZLONY
in Hungarian No 11, 30 Jan 92 pp 203-206

[Summary] Budapest MAGYAR KOZLONY in Hungarian pp 203-206 carries the full text of Constitutional Court Decision No. 8/1992.

This case came before the Constitutional Court as a result of a request by Prime Minister Jozsef Antall to interpret the meaning of Paragraph 30/A Section (1) Subsections (h), (i), and (m), and of Paragraph 30/A Section (2) "from the standpoint of whether a deadline exists in regard to the exercise of the president's appointment power." The prime minister complained that the government's intent could be frustrated as a result of the president's inaction unless the president's duty to act was tied to a deadline. The president's inaction creates a situation akin to the president having denied an appointment, but without having taken a position regarding the constitutional conditions on the basis of which an appointment may be denied.

The constitutional provisions cited above are as follows:

The president of the Republic:

"(1) (h) Shall appoint and relieve of their duties State Secretaries and Delegates of the Republic pursuant to rules specified in other law;

"(i) Shall appoint and relieve from duty the chairman and vice chairmen of the Hungarian National Bank and university professors at the recommendation of a person or organs specified in separate law; shall assign and relieve from duty the rectors of universities; shall appoint and promote generals; shall confirm in his office the chairman of the Hungarian Academy of Science," ...

"(m) Shall render decisions in all cases placed under his authority by separate law," ... and

"(2) Except for actions specified under Section (1) Subsections (a), (d), (e), (f), and (g), all actions taken and orders issued by the president of the Republic under Section (1) above shall be countersigned by the prime minister or by the ministers having jurisdiction."

The court held that "the president of the Republic must render decisions in the framework of his appointment powers within rational time limits, and the time required to make such decisions is granted for the purpose of determining whether constitutional conditions for an appointment prevail. Exceeding such time limitations is unconstitutional" and the president of the Republic "can be held legally accountable for intentionally failing to perform his obligation."

The court went beyond the specific issue presented and undertook a detailed, comparative analysis of the functions of the president, the various presidential powers, the related deadlines and the kinds of relationships that exist with other offices in conjunction with the exercise of powers. Based on the constitutional provisions the court found that the president's appointment power is tied to an

initiative by the prime minister. Although no specific deadline for the president's duty to act can be established in this regard, "the president of the Republic must exercise his appointment power within a rational period of time from the date of nomination: He must either sign the nomination or must state his refusal to appoint."

In their dissent, Justices Dr. Geza Kilenyi and Dr. Peter Schmidt viewed the president's appointing power as a "shared authority," the essence of which was that neither the president nor the prime minister were able to render exclusive decisions. They interpreted the Paragraph 30/A provisions of the Constitution as requirements to build consensus, and regarded the scope of the president's review authority regarding appointments as an examination whose scope transcends the constitutionality of an appointment, i.e., the president's review authority extends to any other aspect of the appointment.

Law on Culpable Negligence: Equal Protection Enforced

*92P20165B Budapest MAGYAR KOZLONY
in Hungarian No 11, 30 Jan 92 pp 199-201*

[Summary] Budapest MAGYAR KOZLONY in Hungarian pp 199-201 carries the full text of Constitutional Court Decision No. 6/1992. The decision strikes down with an immediate effect the provisions of Paragraph

320, Paragraph 324 Section (6), and Paragraph 333 Section (3) of Law No. 4 of 1978 concerning the Criminal Code of Laws, the related provisions of a decree giving force to and providing for the enforcement of Law No. 4 of 1978, and Paragraph 105 Section (2) of Law No. 1 of 1968 concerning rules violations. The court also ordered the review of all completed criminal cases that have been adjudicated with a final effect under the unconstitutional provisions and required the mitigation of their effects. All of the challenged provisions involve culpable negligence related to property.

The decision is based on Paragraph 9 of the Constitution, which provides that "The economy of Hungary shall be a market economy in which public property and private property shall be accorded equal rights and equal protection." The petitioner asserted that in the context of culpable negligence, the challenged provisions accord a greater degree of protection to social property than to private property, while the relevant constitutional standard calls for equal protection. The decision states that the "apparent discriminatory effect of the challenged provisions reflected only the then-prevailing political intentions, and did not manifest itself in the form of legal provisions resulting from the evolution of criminal law."

**Law on Intelligence Service Organization,
Operation**

92P20201A Bucharest MONITORUL OFICIAL
in Romanian Mar 92 pp 1-7

["Text" of Law on the Organization and Operation of
the Romanian Intelligence Services]

[Text] The Parliament of Romania adopts the present
law.

CHAPTER I

Coordination, Control, Duties, and Reponsibilities

Article 1

The Romanian Intelligence Service [SRI] is the state organ specializing in the field of intelligence on the national security of Romania, a component part of the national defense system, its activity being organized and coordinated by the Supreme Council for the Defense of the Country.

The activity of the SRI is monitored by the Parliament. Annually or whenever the Parliament decides, the director of the SRI presents to Parliament reports on the way the SRI carries out its duties, in accordance with the law.

In order to exercise concrete and constant control, a joint committee of the two chambers is established.

The organization, operation, and ways of exercising control are established by a decision approved by Parliament.

Article 2

The SRI organizes and carries out activities to collect, verify, and utilize information which is necessary to find out about, prevent, and counteract any actions which constitute, according to the law, threats to the national security of Romania.

Article 3

The SRI ensures the protection of state secrets and the prevention of leaks of data or intelligence which, according to the law, may not be divulged.

In the application of the legal provisions regarding the protection of state secrets, the SRI organizes and executes the transportation of official correspondence of such a nature on the entire territory of Romania.

Article 4

At the request of the head of a public institution, autonomous company, or commercial company, the SRI verifies and provides data on persons who will hold positions in the respective unit which require access to information and activities of a state secret nature or information and activities which, according to the law, cannot be divulged.

Exceptions from the provisions of paragraph 1 are made for judges, prosecutors, public functionaries of the Ministry of National Defense, the Ministry of the Interior, the Ministry of Justice, the Foreign Intelligence Service, and the Protection and Guard Service, which establish their own measures for protecting state secrets according to the law.

Article 5

At the request of individuals or juridical persons in the private sector, the SRI provides specialized assistance for the protection of secrets in their possession and the prevention of leaks of data or information which may not be released. The specialized assistance is given at cost, on the basis of agreed-upon fees.

The specialized assistance is given free of charge to the persons mentioned in paragraph 1 which carry out state missions, within their limits and for their duration, as well as to those persons which carry out research or production in regard to problems or in regard to aspects of national interest.

Article 6

Through its units, the SRI:

a) Carries out intelligence and technical activities to prevent and to combat terrorism.

b) Carries out antiterrorist intervention on targets attacked or occupied by terrorists, in order to capture or annihilate them, to free hostages and to restore law and order. The antiterrorist intervention is carried out with the approval of the Executive Bureau of the Romanian Intelligence Service.

c) Provides antiterrorist protection for Romanian and foreign dignitaries, as well as other official persons, in accordance with the norms set by the Supreme Council for the Defense of the Country.

The SRI cooperates in the antiterrorist protection of dignitaries guarded by the Protection and Guard Service, when they are the targets of threats of acts of terrorism.

The SRI can provide antiterrorist protection for other persons, at their request, according to the agreed-upon fees.

Article 7

The SRI acts to expose and counteract actions for the initiation, organization, or creation on the territory of Romania of intelligence structures which can endanger national security, as well as activities for joining such structures or supporting them in any way or for the illegal manufacture, possession, or use of means for intercepting communications and the collection and transmittal of information of a secret or confidential nature.

Article 8

The SRI is authorized to possess and to use the appropriate means to obtain, verify, process, and store information on national security under the conditions of the law.

Article 9

In order to establish the existence of threats to national security, specially designated cadres of the SRI may undertake verifications, in strict observance of the law, by: soliciting and obtaining articles, written documents, or official information from public institutions; by consulting specialists or experts; receiving contact reports or notes, recording certain operational moments by means of photographs, films, or other technical means; personal findings, including the results of technical operations.

Article 10

In situations which constitute threats to the national security of Romania, the SRI, by means of cadres designated for this purpose, may request that the prosecutor issue the warrant stipulated by Article 13 on the Law on the National Security of Romania for carrying out the activities authorized by that article.

Article 11

The activities specified in Articles 9 and 10 are mentioned in documents with findings which, compiled in observance of the provisions of the Code of Penal Procedure, can be used as evidence.

Article 12

In the case of a flagrant criminal violation of national security, as established by law, or a terrorist attack or action or any efforts or actions in preparation for such crimes, if they are punishable by law, the SRI cadres can apprehend the perpetrator, handing him over, immediately, to the authorized judicial organs together with the document with the findings and the material evidence.

Upon the request of competent judicial authorities, specially designated SRI cadres may grant assistance in penal investigation activities for crimes related to national security.

The penal prosecution bodies have the obligation to communicate to the SRI all data or information regarding national security resulting from the penal prosecution activity.

Article 13

The SRI organs may not undertake criminal investigation actions and may not take measures for preventive retention or arrest or have their own spaces for keeping people under arrest.

Article 14

In carrying out its duties and responsibilities, the SRI cooperates with the Foreign Intelligence Service, the Guard and Protection Service, the Ministry of National Defense, the Ministry of Interior, the Ministry of Justice, the Public Ministry, the Ministry of Foreign Affairs, the Ministry of Economy and Finance, the General Directorate of Customs, and with other organs of public administration.

The organs specified in paragraph 1 have the obligation to grant, on a mutual basis, the necessary assistance for the exercise of their duties and responsibilities, as provided by law.

Article 15

With the approval of the Supreme Council for the Defense of the Country, the SRI can establish relations with similar bodies abroad.

CHAPTER II**Organization and Operation of the Romanian Intelligence Service****Section 1—Board of Directors****Article 16**

In order to carry out its functions established by law, the SRI is headed by a board of directors, a deliberative organ, composed of the director of the SRI, the first deputy director, the deputy directors, and the heads of some central and territorial units.

The composition of the Board of Directors is stipulated by the regulation on the operation of the Romanian Intelligence Service and members are appointed by the director.

The chairman of the Board of Directors is the director of the SRI. In the absence of the director, his functions are executed by the first deputy director, and, in the absence of the latter, by a deputy director designated for that purpose.

Article 17

The Board of Directors of the SRI meets, as a rule, every three months and the meetings are called by the chairman.

In the case of an emergency, at the request of at least one third of its members, the Board meets whenever it is necessary.

Article 18

The Board of Directors of the SRI carries out its activity in the presence of at least two-thirds of its members and it adopts decisions by the vote of at least one-half plus one of the total number of members.

Article 19

Representatives of ministries or other organs of public administration, who are concerned with the examination of the issues submitted for discussion, as well as specialists from within the SRI or outside the SRI, can be invited to meetings of the Board of Directors.

Article 20

In order to analyze issues of general interest regarding national security, the Board of Directors can set up working groups made of specialists from the SRI or outside the SRI. Specialists from outside the SRI will be appointed with the approval of the leadership of the respective central bodies.

The guests and specialists from outside the SRI specified in Article 19 and in paragraph 1 of the present article will observe the provisions of the law in regard to the protection of state secrets

Section 2—Executive Bureau of the Board of Directors

Article 21

The actual direction of the SRI and the ensuring of the implementation of decisions of the Board of Directors are carried out by the Executive Bureau.

The Executive Bureau consists of the director, the first deputy director, and the deputy directors.

The director of the SRI is the chairman of the Executive Bureau.

Article 22

The Executive Bureau of the Board of Directors of the SRI meets twice a month, in meetings called by the director.

The provisions of articles 18 and 19 also apply to the Executive Bureau.

Section 3—Director of the Romanian Intelligence Service

Article 23

The Romanian Intelligence Service is headed by a director, with ministerial rank, appointed by the Chamber of Deputies and the Senate in a joint session, on the recommendation of the President of Romania, following a hearing on the nominee by the commission charged with exercising parliamentary control over the activity of the SRI, which will present a report to the two chambers of parliament.

Upon appointment to the position, the director will take the following oath before Parliament: "I, ..., swear that I will carry out my duties as director of the SRI, with good faith and impartiality, in full observance of the Constitution and the laws of the country."

In carrying out the duties and responsibilities of the SRI, the director issues orders and instructions, in accordance with the law.

The removal of the SRI director from his position is carried out by Parliament, in a joint session of the two chambers, on the recommendation of the President of Romania or at least one-third of the total number of deputies or senators.

Article 24

The SRI director has a first deputy, who is also his legal replacement, as well as three deputies.

The first deputy director of the SRI and the deputy directors have the rank of state secretaries and are appointed by the President of Romania, on the recommendation of the director of the SRI.

Section 4—Structure of the Romanian Intelligence Service

Article 25

The SRI is composed of units and subunits, in accordance with the specific nature of its activity, which are equivalent to the structures of ministries.

The SRI units are subordinated only to the SRI leadership.

Article 26

The structure, personnel, and mobilization of SRI reserves, as well as the Regulation on the Operation of the SRI, are approved by the Supreme Council for the Defense of the Country.

The Executive Bureau of the SRI, when necessary, and within the limits established by law and the limits of its personnel, makes recommendations to the Supreme Council for the Defense of the Country for the improvement of the structures of the SRI and the redistribution of personnel.

CHAPTER III

Personnel of the Romanian Intelligence Service

Article 27

The personnel of the SRI are permanent military cadres and civilian employees, who carry out operational and administrative functions.

Those who have been members of the repressive structures of the totalitarian state or have committed abuses, Securitate informers and collaborators, or former communist party activists, who are guilty of crimes against the fundamental human rights and freedoms, cannot work for the SRI.

Military cadres of the SRI have all the rights and obligations stipulated for the military of the Romanian army by regulations of the law and by military rules and statutes.

Civilian employees are subject to the provisions of the Labor Code and the other legal and regulatory provisions of the SRI.

Article 28

Operations officers of the SRI carry out their activity overtly or under cover, in accordance with national security needs.

The SRI will ensure that operations officers who are exposed while working under cover, through no fault of their own, will be given protection and will be assigned to other work departments or units.

Article 29

The military personnel consist of graduates of educational institutions of its own system, military cadres selected and transferred from the Ministry of National Defense or the Ministry of Interior, on the basis of specific requests of the director, with the approval of the respective ministers, as well as specialists called to active duty.

The military personnel transferred from the Ministry of National Defense, the Ministry of the Interior, or other sectors of activity will be under the jurisdiction of the leadership of the SRI exclusively.

Article 30

The selection, hiring, assigning of ranks and promotion in rank and in functions, transfer, transfer to the reserves, and the cessation or dissolution of the work contract take place in accordance with the law, the Regulation on the Operation of the Romanian Intelligence Service, the statutes of the corps of officers, warrant officers, and NCO's, and other legal provisions.

Article 31

The training of personnel is carried out by means of its own educational system or in specialized institutions of the Ministry of the Interior and the Ministry of National Defense.

Article 32

The personnel of the SRI are identified with the SRI ID and, during operational missions, also with the SRI badge. The model of the SRI badge is presented in Attachment No. 1.

Article 33

The permanent military cadres of the SRI have the right to a uniform, free of charge.

The categories of personnel who are obliged to wear a uniform in the job are determined by the director of the SRI.

The uniforms, symbols of rank, and accessories are stipulated in the regulation on the description of uniforms and the wearing of uniforms for the personnel of the Romanian Intelligence Service, approved by the Supreme Council for the Defense of the Country.

Article 34

For its own guard and for auxiliary activities, the Romanian Intelligence Service can incorporate conscripts into its ranks, through territorial military bodies, on the basis of requests addressed to the General Staff 60 days before the date of the incorporation. In the situation in which its own guard troops are insufficient, the guard will be provided by conscripts from the gendarme troops.

The SRI has a mobilization organ, carries out mobilization, and keeps records of the military and civilian personnel in peace time, and also of the reserve cadres.

The norms for the operation of this organ are established by mutual agreement with the General Staff of the Ministry of National Defense.

The records on the military status of personnel are kept by the SRI, and for reservists, also by the territorial military organs.

Article 35

The cadres of the operations sectors of the SRI are public employees who carry out functions which involve the exercise of state authority, having all the rights and obligations provided by law for this capacity.

Article 36

The personnel of the SRI cannot belong to parties or other organizations of a political or secret nature and cannot be used for political purposes.

The SRI will not undertake any action which would promote or damage the interests of any political party or any individual or juridical person, except in the case of actions of these elements which are in conflict with national security.

Article 37

Military cadres and civilian employees of the SRI have the obligation to strictly keep state and professional secrets, even after they leave the service for any reason.

Any release of data or information learned as the result of SRI employment, with the exception of cases authorized by law, is prohibited and is punishable by law.

Article 38

The heirs of SRI cadres who die during and because of their employment, as a result of acts of exceptional

dedication, are given a pension equal to the full salary which these cadres received at the time of their death.

When there are no heirs and no surviving spouse, if the deceased was the only financial support for his parents, they will receive half of the survivor's pension, determined according to the provisions of paragraph 1.

The pension for permanent disability, resulting from acts of exceptional dedication, is equal to the salary received at the respective time, and the persons concerned will also receive a one-time bonus, equal to five times their salary.

Romanian Intelligence Service cadres who have become partially incapacitated for work, as a result of acts of exceptional dedication, and can no longer work in their profession will receive, in addition to their retirement benefits, a bonus equal to three times their salary at the respective time.

Article 39

For special merits in defending the national security of Romania, SRI cadres can be awarded the decorations specified by law for the military of the Romanian armed forces.

CHAPTER IV

Material Procurement

Article 40

The Romanian Intelligence Service:

- a) Draws up and justifies its budget of income and expenditures, ensures the financing of units, coordinates, and monitors the economic activity of the chief credit accountants subordinate to it.
- b) Approves, within the limits of its authority, the technical-economic documentation for its own investment projects and makes sure that they are carried out by the established deadlines.
- c) Carries out import-export activities dealing with technology and apparatus specific to intelligence work and for providing the appropriate technical assistance, in accordance with the law.
- d) Establishes norms for the use, maintenance, and repair of weapons, technology, and other items in its possession, as well as consumption norms for ammunition and other materials.
- e) Establishes norms for material and financial procurement, discounting, recordkeeping, and monitoring the material and monetary resources needed for units under its jurisdiction.
- f) Exercises any other duties and responsibilities assigned by law.

Article 41

The SRI is equipped with the weapons, ammunition, and combat technology which are necessary for carrying out defense and antiterrorist intervention missions, transporting secret correspondence, its own guard, and other missions of the service.

Article 42

The buildings, means of transport, technical equipment, and other material resources needed for the operation of the Romanian Intelligence Service are provided by the government.

The funds necessary for the activity of the SRI are included in the state budget approved by parliament.

The SRI has its own motor pool for its central apparatus and units under its jurisdiction, established by means of the procurement lists of the units, approved by the director.

Article 43

Under the control of Parliament, in accordance with the needs of the SRI and with strict observance of legal provisions, an autonomous company, commercial production companies, health institutions, and cultural and sports associations can operate in the SRI.

CHAPTER V

Final Provisions

Article 44

If necessary and when the use of other means of prevention or force is not possible, SRI personnel who are authorized to carry weapons may use edged weapons or firearms, under the conditions of the law.

Article 45

Internal SRI documents of every type are state secrets; they are kept in the service's own archives and can be consulted only with the approval of the director under the conditions of the law.

The documents, data, and information of the SRI can not become public until 40 years after they are filed in the archives.

The SRI takes over, for safekeeping and use, the archives dealing with national security of the former intelligence organs with authority on the territory of Romania.

The archives of the former Department of State Security, which deal with national security, cannot become public until 40 years after the adoption of the present law.

Article 46

The SRI uses, for individualization and recognition, the insignia whose model and description are presented in Attachment No. 2. The insignia is the coat of arms of the SRI.

Article 47

Attachments 1 and 2 are an integral part of the present law.

Article 48

The 26 March 1990 decree of the Provisional Council of National Unity on the establishment of the Romanian Intelligence Service and any other provisions contrary to the provisions of the present law are repealed.

This law was adopted by the Chamber of Deputies and the Senate, meeting in joint session on 12 February 1992, observing the provisions of Article 74, paragraph (1) and Article 76, paragraph (2) of the Constitution of Romania.

[signed] Chairman of the Chamber of Deputies
Dan Martian

President of the Senate
Academician Alexandru Birladeanu

Bucharest, 24 February 1992

No. 14

Attachments 1 and 2**Model and Description of the Insignia of the SRI**

[Summary: The letters "SRI" are in the middle of an insignia, located on the right of the credentials, bearing the words "Romania" and the slogan "Homeland and Honor." The inscription on the left reads: "The Romanian Intelligence Service asks the authorities of public administration, the organs of justice, and the citizens of the country to give the bearer of these credentials the necessary assistance in discharging his legal duties and responsibilities."]

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